

COMMON CARRIER ANNUAL EMPLOYMENT REPORT

[Please read instructions before completing and for Notice regarding public burden.]

SECTION I - General Information

1. Name and Mailing Address of Respondent  
RCN Telecom Services, Lehigh LLC  
Customer Care Center  
100 Baltimore Drive  
Wilkes-Barre, PA 18702

Check here if this is a change of address.

2. Year Report Filed

2018

3. Reporting Period (Ending Date of Pay Period Covered by Report)

3/23/2018

4. Number of Full-Time Employees during Selected Reporting Period (check one):

- a.  Fewer than 16 (complete Sections I, IV, and V only)
- b.  16 or more (complete all sections)

SECTION II - Full-Time Employees.

Job Categories	Number of Employees (Report employees in only one category)																Total Columns A - N
	Race/Ethnicity																
	Hispanic or Latino								Not-Hispanic or Latino								
	Male				Female				Male				Female				
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O		
Executive/Senior Level Officials and Managers	1.1																1
First/Mid-Level Officials and Managers	1.2	1	1	25	1			1	34					1			63
Professionals	2	2		25	1		1		32								61
Technicians	3			4					5								9
Sales Workers	4			17	1	1			17	1				1			38
Administrative Support Workers	5	9	10	73	10			4	122	17		1	2	4			252
Craft Workers	6																0
Operatives	7																0
Laborers and Helpers	8																0
Service Workers	9																0
<b>TOTAL</b>	10	12	11	145	12	1	1	5	210	18	0	1	2	6			424
<b>PREVIOUS YEAR TOTAL</b>	11	7	7	140	6	1	1	4	201	11	0	1	1	4			384

**SECTION III - Part-Time Employees.**

Job Categories	Number of Employees (Report employees in only one category)														Total Columns A - N		
	Hispanic or Latino							Not-Hispanic or Latino								Two or more races	
	Male			Female				Male			Female						
	A	B	C	D	E	F	G	H	I	J	K	L	M	N			O
Executive/Senior Level Officials and Managers	1.1																0
First/Mid-Level Officials and Managers	1.2																0
Professionals	2																0
Technicians	3																0
Sales Workers	4																0
Administrative Support Workers	5	2		2					7						1		12
Craft Workers	6																0
Operatives	7																0
Laborers and Helpers	8																0
Service Workers	9																0
<b>TOTAL</b>	10	0	2	2	0	0	0	0	7	0	0	0	0	0	1		12
<b>PREVIOUS YEAR TOTAL</b>	11	0	0	1	0	0	0	0	5	0	0	0	0	0	0		6

**SECTION IV - Report of Discrimination Complaints Pursuant to 47 CFR 22.321, 23.55, 90.168, 101.4, and 101.311.**

This is to advise the Commission that no complaints regarding violations of the equal employment provisions of Federal, state, territorial, or local statutes have been filed against this company before any body having competent jurisdiction in such matters during the calendar year covered by this report.

This is to advise the Commission that the following complaints alleging violations of the provisions of any equal employment opportunity statute have been filed against this company. (Attach a list indicating parties involved, date filed, courts or agencies before which the matter has been heard, file number or other designation, and current status or disposition.)

**SECTION V - Certification**

I certify that to the best of my knowledge, information, and belief, all statements in this report are true and correct.

Date	05/30/2018	Signature		Telephone No.	(609) 681-2189
Typed or Printed Name of Person Signing		Kenneth Conrad			
Title of Person Signing					
Vice President, Human Resources					

WILLFULLY FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (18 U.S.C. 1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (47 U.S.C. 312 (A)(1) AND/OR FORFEITURE (47 U.S.C. 503).



RCN Telecom Svc, Lehigh LLC  
100 Baltimore Dr.  
Wilkes-Barre, PA 18708

**RE: FCC Form 395 Section IV  
2018 Filing Year**

**Charge:** PHRC Charge – Race Discrimination

**Charge / Docket #:** 201501400

**Charge / Docket #:** Cross Filed with EEOC – 17F201660699

**Employee:**

**Filing Date:** September 21, 2015

**Background:**

Ms. [REDACTED] was hired into a Customer Care Advocate role in our Customer Care Center on 7/13/2015 and due to poor performance and [REDACTED] inability to grasp, understand and perform the functions of the position she was hired for her employment was terminated on 8/27/15 due to unsatisfactory performance. During this period of employment [REDACTED] was participating in RCN's Customer Care New Hire training program but had great difficulty with the tasks of the position as well as completing assignments and successfully passing required assessments showing her ability to grasp the knowledge necessary to perform her role. During this period of employment [REDACTED] expressed concerns regarding her ADD disability to the training staff and the local HR Representatives. RCN provided multiple accommodations per [REDACTED] requests to assist her in performing at an acceptable level with the disabilities she stated she suffered from. RCN's accommodations included having her tests read to her by first the trainer, and then she requested another person be assigned to read the tests to her which RCN provided. Additionally after she continued to struggle [REDACTED] requested that she have the ability to take her tests in a separate location without the distraction of the members of the class also completing the tests. RCN once again accommodated her request. [REDACTED] **apparently also filed a claim with the PHRC claiming discrimination based on her protected race which is white.** [REDACTED] believes she was discriminated as a result of her race while the company treated differently other class participants who are minorities who have successfully performed in class and through the testing and onboarding process.

**Status:**

submitted her claim to the PHRC in September 2015. The PHRC processed the claim, however did not notify RCN of the race discrimination charge until April 2016. The PHRC contacted RCN and requested in May if RCN would be interested in the PHRC's Mediation Program in an attempt to resolve this charge. At this time RCN declined to participate in this program. The PHRC has then issued on May 16, 2016 A Notice Of Charge Of Discrimination and distributed to RCN a Notice of Fact Finding Conference which as tentatively been scheduled for August 16, 2016. At present RCN and our outside counsel are waiting for a formal request of information. These additional requests are pending at the time this report is being completed. MAY 2017 – Status – RCN Submitted response to PHRC addressing allegations in June 2016, and Fact Finding Conference August 2016 – Decision of PHRC is still pending.

**May 2018 – Status –** claims have been dismissed by the PHRC as notified in writing on **September 25, 2017**. The PHRC stated that the facts of the case did not establish that probable cause exists to credit the allegations of unlawful discrimination. was provide notification by the PHRC of her Notice of Rights. Claim has been closed at PHRC and EEOC.



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**RE: FCC Form 395 Section IV  
2018 Filing Year**

**Charge:** EEOC Charge – Disability / Retaliation Discrimination

**Charge / Docket #:** 846-2017-33927

**Employee:**

**Filing Date:** August 24, 2017

**Background:**

\_\_\_\_\_ was hired in July 2012 in our Customer Care Organization as a Customer Care Advocate, and promoted to Lead Customer Care Advocate in June 2015. She held that position until August 3, 2017 when her employment was terminated for Gross Misconduct. Although her role as a Lead Care Advocate is not a management position in that role \_\_\_\_\_ is a technical go to person for other Care Advocates within her department. \_\_\_\_\_ was issues a Written Warning for Conduct due to her lack of professionalism in January 2016 due to how she handled a customer call. On March 2016 she received another Written Warning again due to Conduct in how she conducted herself with her co-workers. On April 2016 she received a Final Written Warning once again for Conduct relating to her lack of professionalism in how she was conducting herself with her co-workers. \_\_\_\_\_ behavior improved following this final written warning until June 2017 when she once again received a Final Written Warning once again for Conduct regarding co-workers and obtaining fellow employees information through alternative method after being turned down by Human Resources due to the confidentiality of the information being requested. Finally in July 2017 RCN received two complaints from her co-workers on use of derogatory language toward a coworkers. After an investigation by Human Resources of how \_\_\_\_\_ was treating fellow employees and due to her extensive history of inappropriate conduct and actions the decision was made to terminate her employment which occurred on August 3, 2017.

\_\_\_\_\_ filed charges with the EEOC on August 24, 2017 alleging disability discrimination and retaliation by management and the Company. She stated that after being approved for Intermittent FMLA her new Supervisor as of May 2017 harassed her for using the FMLA time and stated that her supervisor began to intimidate her in front of co-workers and make inappropriate comments about her need for FMLA. She felt that the write ups that she received by this new supervisor were in retaliation of her request for FMLA.

**Status:**

Both [redacted] and RCN obtained counsel to support their opposing views on this matter the charge went to EEOC Mediation. Although RCN was prepared to continue down the path of the investigation process with the EEOC during the mediation process RCN's outside counsel and [redacted] ; counsel were able to negotiate a settlement of the charge agreeable to both parties. This settlement was a business decision relating to the costs of defending the charges versus our concern about the strength of the charges. This settlement was executed and agreed to by RCN/ [redacted] and the EEOC on March 27, 2018. **As a result of the settlement the charge was closed by the EEOC.**